



भारत का राजपत्र The Gazette of India

15
26/12/88

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 45] नई दिल्ली, मंगलवार, जून, 28, 1988/आषाढ़ 7, 1910 (शक)
No. 45] NEW DELHI, TUESDAY, JUNE 28, 1988/ ASADHA 7, 1910 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th June, 1988/Asadha 7, 1910 (Saka)

THE LAKSHADWEEP ISLAND COUNCILS REGULATION, 1988

No. 4 of 1988

Promulgated by the President in the Thirty-ninth Year of the Republic
of India

A Regulation to provide for the establishment of Island Councils in the
Union territory of Lakshadweep and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitu-
tion, the President is pleased to promulgate the following Regulation
made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep Island Coun-
cils Regulation, 1988.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Administrator may,
by notification in the Official Gazette, appoint.

Short
title,
extent
and
commen-
cement.

2. In this Regulation, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union
territory of Lakshadweep appointed by the President under article
239 of the Constitution;

Defini-
tions.

(b) "building" includes a house, outhouse, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasions or a tent;

(c) "Chairman" and "Vice-Chairman" mean respectively the Chairman and Vice-Chairman of an Island Council;

(d) "Island" means one of the Islands mentioned in the Table below paragraph 1 of the First Schedule;

(e) "Island Council" means the Island Council constituted for an Island under sub-section (1) of section 3;

(f) "notification" means a notification published in the Official Gazette;

(g) "Official Gazette" means the Lakshadweep Gazette;

(h) "prescribed" means prescribed by rules made under this Regulation;

(i) "prescribed authority" means a person appointed by the Administrator to carry out the provisions of this Regulation;

(j) "public street" means a pathway, road, street, square, or foot-path over which the public have a right of way, whether a thoroughfare or not, and includes—

(i) the foot-way attached to any such street or road;

(ii) the drains attached to any such street or road and the land which lies on either side of the road-way up to the boundaries of the adjacent property;

(k) "Sub-Divisional Officer" means the Officer appointed in an Island by the Administrator to perform the functions of a Sub-Divisional Officer under this Regulation;

(l) "tax" means a tax, cess, rate or other impost, but does not include a fee;

(m) "term of an Island Council" means the period for which the members of an Island Council shall hold office under section 16;

(n) "Union territory" means the Union territory of Lakshadweep.

CHAPTER II

THE ISLAND COUNCILS AND THEIR COMPOSITION

Constitution of
Island
Councils
and
their
composition.

3. (1) With effect from such date as the Administrator may, by notification, appoint in this behalf, there shall be constituted for the purposes of this Regulation, an Island Council in each of the ten Islands specified in column (2) of the Table below paragraph 1 of the First Schedule consisting of such number of elected members in each Island as specified in the corresponding entry in column (3) of the said Table.

(2) Where the Administrator is satisfied that any Island, other than the Islands referred to in sub-section (1), has become inhabited with people, he may, by notification, direct that such Island shall form part of the Island nearer to it as may be specified in the said notification (hereafter in this sub-section referred to as the "notified Island"), and thereupon the provisions of this Regulation shall apply to that Island in the same manner and subject to the same conditions as they apply to the notified Island.

4. Every Island Council shall, by the name specified by the Administrator in this behalf, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire, hold, administer or transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue or be sued.

Incorporation of Island Council.

5. A person shall not be qualified to be chosen as a member of an Island Council unless his name is entered as an elector in the electoral roll for the Island for which it is constituted.

Qualification for membership.

6. A person shall be disqualified for being chosen as, and for being, a member of an Island Council if he—

Disqualifications for membership.

(a) is not a citizen of India; or

(b) is under twenty-five years of age; or

(c) holds any office of profit under the Central Government or any State Government or the Island Council or any other local authority; or

(d) has been dismissed from the service of the Government or any local authority for misconduct unless a period of five years has elapsed from such dismissal; or

(e) has directly or indirectly any share or monetary interest in any work done by or to the Island Council or any contract or employment with, under or by or on behalf of the Island Council; or

(f) is an undischarged insolvent; or

(g) is of unsound mind and stands so declared by a competent court; or

(h) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release; or

(i) is in arrear for such period as may be prescribed of any tax, fee or other sum due to the Island Council.

7. (1) Every person who is a citizen of India and not less than twenty-one years of age on the prescribed date and who is ordinarily resident in an Island shall be entitled to be registered as an elector in the electoral roll for that Island:

Electorate and electoral rolls.

Provided that a person shall not be so entitled if he is of unsound mind and stands so declared by a competent court.

Explanation.—A person shall be deemed to be ordinarily resident in an Island if he has been ordinarily residing therein or is in possession of a dwelling house therein ready for occupation.

(2) The electoral roll for an Island shall be prepared in accordance with such rules as may be made in this behalf by the Administrator.

8. Every person whose name is, for the time being, entered in the electoral roll for an Island as an elector shall be entitled to vote at the election of a member of the Island Council for that Island.

Right to vote.

Election
of mem-
bers.

9. The election of members of an Island Council shall be held in accordance with such rules as may be made in this behalf by the Administrator on such date or dates as the Administrator may, by notification direct:

Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy:

Provided further that no election shall be held to fill a casual vacancy occurring within three months prior to the general election for an Island Council under this section:

Provided also that till the electoral roll of an Island has been prepared, the casual vacancy shall be filled by co-option by the Island Council of a person entitled to be registered as an elector in the electoral roll of the Island.

Dispute
as to
validity
of elec-
tion.

10. (1) If the validity of an election of a member of an Island Council is called in question by any person qualified to vote at the election to which such question relates such person may, at any time within fifteen days after the date of declaration of the result of the election, apply to the prescribed authority in such form as may be prescribed, for the determination of such question.

(2) If, on receipt of an application under sub-section (1) and after making such inquiry as he considers necessary, the prescribed authority is satisfied—

(a) that any member who has been elected was on the date of election subject to any of the disqualifications mentioned in section 6, or

(b) that any corrupt practice has been committed by any member who has been elected or by any other person with the consent of such member, or

(c) that the result of the election, in so far as it concerns an elected member, has been materially affected—

(i) by any corrupt practice committed in the interest of the elected member by any person without the consent of such member, or

(ii) by any non-compliance with the provisions of this Regulation or any rules or orders made thereunder,

the prescribed authority shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(3) Where the prescribed authority declares the election of any member to be invalid on the ground that he committed a corrupt practice, the prescribed authority may declare such member to be disqualified from exercising any electoral right or from being a member of any Island Council, for such period not exceeding five years, as he may determine.

(4) A person shall be deemed to have committed a corrupt practice if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

11. If the prescribed authority declares the election of any member to be invalid, a fresh election to fill the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Fresh
election.

12. No civil court shall have jurisdiction to question the legality of any action taken or any decision given by the prescribed authority in connection with the conduct of elections under this Regulation.

Jurisdic-
tion of
civil
courts
in election
matters
barred.

13. (1) A member of an Island Council shall cease to be a member if--

Cessation
of
member-
ship.

(a) he is disqualified under section 6; or

(b) he ceases to be ordinarily resident within the jurisdiction of the Island from which he was elected.

(2) Where any person ceases to be a member of Island Council under sub-section (1), he shall also cease to hold any office in which he may have been elected or appointed by reason of his being a member thereof.

14. If any question arises as to whether a member of an Island Council has become subject to any disqualification mentioned in section 6, it shall be referred to the prescribed authority for decision and its decision thereon shall be final.

Decision
on
question
as to dis-
quali-
fication.

15. (1) At the first meeting of an Island Council to be called on a date fixed by the Administrator after each election, the members of an Island Council shall elect, from amongst themselves, a Chairman and a Vice-Chairman.

Election
of Chair-
man and
Vice-
Chairman.

(2) Such officer as may be specified in this behalf by the Administrator shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Chairman and Vice-Chairman shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer aforesaid in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of the Chairman or the Vice-Chairman, the dispute shall be referred to such authority as may be specified by notification by the Administrator for decision and its decision thereon shall be final.

Term of
office of
and vacan-
cies
among
members
of
Island
Council.

16. (1) The members of an Island Council shall hold office for a term of four years:

Provided that the Administrator may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year and every such order shall be notified in the Official Gazette.

(2) The term of office of the members of an Island Council shall be deemed to commence on the date of the first meeting of the Island Council referred to in sub-section (1) of section 15.

(3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of such meeting.

(4) The Chairman and the Vice-Chairman shall hold office for the term of the Island Council including the extended term, if any:

Provided that the Chairman shall, after the expiry of his term, continue to carry on the current duties of his office until a new Chairman is elected and takes over charge.

Oath of
office.

17. (1) As soon as may be after the first meeting of the Island Council after each general election, every member thereof shall take the oath of office, before such officer as the Administrator may specify in this behalf, in the form set out in the Second Schedule.

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting.

Resigna-
tion of
office.

18. (1) Any member may resign his office by giving notice in writing to that effect to the Chairman, and such resignation shall take effect from the date of its receipt by the Chairman.

(2) The Vice-Chairman may resign his office by giving notice in writing to the Chairman but the resignation shall not take effect until it is accepted by the Island Council.

(3) The Chairman may resign his office by giving notice in writing to the Sub-Divisional Officer but the resignation shall not take effect until it is accepted by him.

Motion
of no
confi-
dence.

19. (1) A motion of no-confidence may be moved by any member of an Island Council against the Chairman or the Vice-Chairman after giving such notice thereof as may be prescribed.

(2) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Island Council, the Chairman or the Vice-Chairman, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this Regulation, the Chairman or the Vice-Chairman, shall not preside over a meeting in which a vote of no-confidence is discussed against him, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

Removal
from
office.

20. (1) Such authority as may be specified by notification by the Administrator may, after giving due notice to the Island Council and after such inquiry as such authority thinks fit, remove from office any member

(including the Chairman or the Vice-Chairman) of an Island Council who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties, and the member so removed shall not be eligible for re-election during the remainder of the term of the Island Council.

(2) Any person who has been removed from his office by the authority referred to in sub-section (1), may within thirty days from the date of the order, prefer an appeal to the Administrator who may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.

(3) The order of removal passed by the authority referred to in sub-section (1), shall not take effect before the period during which an appeal may be preferred under sub-section (2), has expired.

(4) An order passed by the Administrator on appeal shall be final.

(5) Where an appeal has been filed under sub-section (2), the Administrator may stay the operation of the order of the authority referred to in sub-section (1), till the appeal is disposed of.

21. Any casual vacancy in the office of the Chairman or the Vice-Chairman shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation.

Casual
vacancy
in the
office
of Chair-
man or
Vice-Chair-
man.

22. (1) The time and place of meetings of an Island Council and the procedure at such meetings shall be such as may be prescribed.

Meetings
of
Island
Council.

(2) The Chairman or in his absence, the Vice-Chairman, shall preside at such meeting.

(3) The quorum for a meeting of the Island Council shall be two.

(4) A member of an Island Council may, at any meeting move any resolution and put questions to the Chairman or the Vice-Chairman on matters connected with the administration of the Island Council in the manner prescribed.

(5) No resolution of an Island Council shall be moved, amended, varied or cancelled by the Island Council within a period of three months on the date of passing thereof except by a resolution supported by two-third of the total number of members of the Island Council.

23. No act or proceeding of an Island Council shall be deemed to be invalid by reason only of the existence of any vacancy in, or defect in the constitution of, the Island Council or of any informality in its proceedings.

Proce-
edings
not
to be
invalid.

CHAPTER III

EXECUTIVE OFFICER AND OTHER OFFICERS AND EMPLOYEES OF THE ISLAND COUNCIL

24. (1) For every Island Council, the Administrator shall appoint an Executive Officer, who shall be a Government servant.

(2) The Executive Officer appointed under sub-section (1) shall be paid such salary and allowances as may, from time to time, be fixed by the Administrator.

Appoint-
ment and
transfer
of Execu-
tive
Officer.

(3) The Administrator may, at any time, transfer an Executive Officer from one Island Council to any other Island Council.

Functions
of the
Executive
Officer.

25. The Executive Officer shall—

(i) have the right to attend the meetings of the Island Council and take part in the discussions but shall have no right to move any resolution or to vote;

(ii) carry into effect the resolutions of the Island Council:

Provided that where the Chairman or the Executive Officer considers that a resolution has not been legally passed or is in excess of powers conferred by this Regulation or that if carried out, it is likely to endanger human life or health or the public safety, the Executive Officer or the Chairman, as the case may be, shall refer the matter to the Sub-Divisional Officer for orders.

(iii) control the officers and the employees of the Island Council subject to such rules as may be prescribed.

Exercise
of func-
tions of
the Exe-
cutive
Officer
by
other
officers
in cer-
tain
cases.

26. The Administrator may by general or special order authorise any Government servant to exercise such of the functions of an Executive Officer under this Regulation, in such areas and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

Officers,
and em-
ployees
of the
Island
Council.

27. The Island Council may appoint such officers and employees and in such number as may from time to time be considered necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Administrator.

CHAPTER IV

POWERS, DUTIES AND FUNCTIONS OF AN ISLAND COUNCIL

Duties
and
functions
of an
Island
Council

28. (1) It shall be the duty of every Island Council so far as its funds may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Third Schedule.

(2) The Island Council may also make provision for carrying out within its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the Island.

Control
of
Island
Council
on
certain
pro-
perties

29. (1) The Island Council, in respect of roads, streets, and other properties placed by the Administrator under section 35 under its directions, management and control, may do all things necessary for the maintenance and repair thereof, and in particular, may—

(a) widen, open, enlarge or otherwise improve such road and plant and preserve trees on the sides of such road;

(b) cut any hedge or branch of any tree projecting on any such public road.

(2) The Island Council shall also have control of all roads and streets which are situated within its jurisdiction, not being private property or not being property for the time being under the control of the Government and may do all things necessary for the improvement, maintenance and repair thereof, and in particular, may lay out and make new roads.

30. The Administrator may entrust to the Island Council, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government:

Transfer of any work or institution to Island Council.

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Island Council by the Government.

31. (1) Subject to the rules made under this Regulation, an Island Council may organise a volunteer force consisting of able-bodied males residing in that Island, who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.

Island volunteer force.

(2) The services of the Island volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, cyclones, out-break of an epidemic or any other natural calamity.

(3) No member of the force shall be held liable for damages on account of any act done by him in the *bona fide* discharge of his duties as a member of such force.

32. Every contract or agreement entered into by an Island Council shall be in writing and shall be signed by the Chairman or in his absence by the Vice-Chairman and by the Executive Officer of the Island Council and sealed with the common seal of the Island Council.

Execution of contracts.

CHAPTER V

FINANCE, PROPERTY AND ACCOUNTS

33. (1) There shall be an Island Council Fund for each Island Council and the same shall be utilised for carrying out the duties and obligations imposed upon the Island Council by this Regulation.

Island Council Fund.

(2) The following shall be credited to and form part of the Island Council Fund, namely:—

(a) the proceeds of any tax or fee imposed under this Regulation and of any tax or fee imposed under any other law and transferred to the Island Council Fund;

(b) the grants or contributions made by the Government or any person;

(c) the income from securities in which the Island Council Fund is invested;

(d) all sums received by way of loans or gifts;

(e) the income from or proceeds of any property of the Island Council;

(f) sums assigned to the Island Council Fund by any general or special order of the Administrator;

(g) all sums received in aid of or for expenditure of any institution or service, maintained or financed from the Island Council Fund or managed by the Island Council;

(h) any amount received for the management of community properties.

(3) The amount in the Island Council Fund shall be applied subject to the provisions of this Regulation and shall be kept in such custody as may be prescribed.

Grants.

34. (1) Where any functions have been entrusted to an Island Council under section 30 and no tax is being levied by the Island Council under section 36, the Administrator shall make grant to the Island Council so as to enable it to discharge such functions.

(2) In addition to the grant mentioned in sub-section (1), the Administrator may, subject to such conditions as he may deem fit to impose, make grants to an Island Council for general purposes or for the improvement of the area within its jurisdiction and the welfare of the residents therein.

Properties placed under the direction, management and control of the Island Council.

35. The Administrator may, if he deems fit, place all or any of the properties of the nature specified below and situated within the jurisdiction of an Island Council under the direction, management and control of the Island Council, namely :—

(a) open sites, waste and vacant lands, not being private property;

(b) public roads and streets;

(c) wells, ponds, tanks and any adjacent land (not being private property) appertaining thereto;

(d) sewage, rubbish and offensive matter deposited on streets or collected by the Island Council from streets, latrines, urinals, sewers, cesspools and other places; and

(e) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

Taxes which may be imposed.

36. (1) Subject to the rules made under this Regulation and with the prior approval of the Administrator, an Island Council may levy—

(a) a tax on the owners or occupiers of buildings;

(b) a tax on vehicles (other than mechanically propelled vehicles) kept within the jurisdiction of the Island Council;

(c) a lighting tax;

(d) a drainage tax;

(e) an entertainment tax;

(f) octroi;

(g) a tax on boats (mechanically propelled or otherwise) kept within the jurisdiction of the Island Council including the lagoons attached thereto for fishing or for carrying goods or passengers;

(h) a licence fee for boats maintained for public transport of goods or passengers;

(i) fee for providing protection of crops in the Island Council area.

(2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

37. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the prescribed authority within thirty days of the date of receipt of the order imposing such tax or fee.

Appeal
against
levy
of tax,
etc.

38. The Administrator may, by notification, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Sus-
pension
of levy
of tax
or fee.

39. (1) When any tax or fee or other sum due to an Island Council has become payable, the Island Council shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of receipt of such notice.

Recovery
of taxes
and
other
duties.

(2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of receipt of such notice, such sum shall be recoverable as an arrear of land revenue.

40. Every Island Council shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Accounts.

41. (1) The Chairman shall prepare annually, on or before such date and in such form as may be prescribed, a budget estimate of the income and expenditure of the Island Council for the next financial year.

Annual
estimate
of
income
and
expen-
diture.

(2) The Island Council shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary and forward it to the prescribed authority for its approval by not later than the 1st March of each year.

(3) No expenditure shall be incurred by an Island Council unless it is included in the budget estimate which has been approved by the Island Council.

(4) An Island Council may, at any time during the year for which annual budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared which shall be considered and approved by the Island Council in the same manner as an original budget estimate :

Provided that a copy of the revised or supplementary budget estimate shall be forwarded to the prescribed authority for its approval within such time as may be prescribed.

Audit.

42. (1) The accounts of every Island Council shall be audited annually in such manner as may be prescribed.

(2) The audit shall be carried out by such officer as the Administrator may appoint in this behalf and that officer shall, within one month of the completion of the audit, forward copies of the audit report to the prescribed authority and the Island Council.

(3) The prescribed authority may, after considering the report and after making such further inquiry as it may consider necessary, disallow any item which appears to it to be contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall,—

(a) if such person is a member of the Island Council, proceed against him in the manner specified in section 47.

(b) if such person is not a member of the Island Council, obtain the explanation of the person and direct such person to pay to the Island Council the amount surcharged within a specified period, and if the amount is not paid within the specified period, the prescribed authority shall cause it to be recovered as an arrear of land revenue and credit it to the Island Council Fund.

(4) Any person aggrieved by an order of the prescribed authority under sub-section (3), may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

Annual
report.

43. (1) Every Island Council shall submit annually to the prescribed authority a report on the administration of the Island Council during the previous year.

(2) The report shall be prepared by the Chairman and after it is approved by the Island Council, it shall be forwarded to the prescribed authority with a copy of the resolution of the Island Council thereon.

CHAPTER VI

CONTROL OF ISLAND COUNCILS

Power
to call
for pro-
ceedings.

44. The Sub-Divisional Officer shall have the power—

(a) to call for—

(i) any extract from the proceedings of an Island Council, or any book, record, correspondence or document in the possession or under the control of an Island Council; or

(ii) any return, plan, estimate, statement, account or report; for the purpose of inspection or examination; and

(b) to require an Island Council to take into consideration—

(i) any objection which appears to the Sub-Divisional Officer to exist to the doing of anything which is about to be done or is being done by such Island Council; or

(ii) any information which the Sub-Divisional Officer is able to furnish which appears to him to necessitate the doing of a certain thing by the Island Council,

and to make a written reply to him, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

45. If, at any time, it appears to the Sub-Divisional Officer that an Island Council has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty and if the duty is not performed within the period so fixed, the Sub-Divisional Officer may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Island Council within such period as he may think fit.

Default
in per-
formance
of duty
by
Island
Councils.

46. (1) If, in the opinion of the Sub-Divisional Officer, the execution of any order or resolution of an Island Council or the doing of anything which is about to be done or is being done by or on behalf of the Island Council is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

Sus-
pension
of exe-
cution of
order
or reso-
lution of
Island
Council.

(2) When the Sub-Divisional Officer makes an order under sub-section (1), he shall forthwith send to the Island Council affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The Sub-Divisional Officer shall forthwith submit to such authority as may be specified by notification by the Administrator, a report of the circumstances in which the order was made under this section and that authority may, after giving notice to the Island Council and making such inquiry as that authority may deem fit, rescind, modify or confirm the order.

47. (1) Every member of an Island Council shall be personally liable for the loss, waste or misapplication of any money or other property of the Island Council to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

Liability
of mem-
bers of
an
Island
Council
for loss,
waste
or misap-
plication.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Sub-Divisional Officer is satisfied that the loss, waste or misapplication of any money or other property of the Island Council is a direct consequence of misconduct or wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Island Council before a fixed date, the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for *bona fide* or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the Sub-Divisional Officer shall recover it as an arrear of land revenue and credit it to the Island Council Fund.

(4) An order of the Sub-Divisional Officer shall be subject to an appeal to such authority as the Administrator may, by notification, specify, if made within thirty days of the date of receipt of the order.

48. (1) If, in the opinion of the Administrator, an Island Council—

(a) exceeds or abuses its powers, or

(b) fails to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or

Disso-
lution of
Island
Council.

(c) persistently disobeys the order of the Sub-Divisional Officer made under section 46,

the Administrator may, by order published in the Official Gazette, dissolve the Island Council and direct that it shall be reconstituted in the manner provided in this Regulation.

(2) No order under sub-section (1), shall be passed by the Administrator without giving to the Island Council a reasonable opportunity to render an explanation.

(3) When an Island Council is dissolved under sub-section (1)—

(a) all members of the Island Council shall, from the date specified in the order, cease to be members; and

(b) all powers and duties of the Island Council shall, during the period of dissolution of the Island Council, be exercised and performed by such person or persons as the Administrator may appoint in this behalf.

49. The Administrator or the Collector-cum-Development Commissioner may call for and examine the record of the proceedings of any officer or Island Council for the purpose of satisfying himself as to the legality or propriety of any order passed or decision taken and may stay, revise or modify the order or decision in such manner as he may deem fit.

CHAPTER VII

MISCELLANEOUS

50. The Sub-Divisional Officer may authorise any officer to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by any Island Council or any work in progress under its direction.

51. (1) No suit or prosecution shall be entertained against any member, officer, employee or agent of an Island Council in respect of anything which is in good faith done or intended to be done under this Regulation or any rule or bye-law made thereunder.

(2) No suit or other legal proceeding shall be instituted against any Island Council or any member, officer, employee or agent of such Island Council for anything done or purporting to be done under this Regulation or any rule or bye-law made thereunder until the expiration of two months next after notice in writing has been left or delivered at the office of the Island Council and also at the residence of the member, officer, employee or agent thereof against whom such suit or proceeding is intended to be instituted, and the notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to institute the suit or proceeding.

(3) Every suit or proceeding referred to in sub-section (2) shall be instituted within six months after the accrual of the cause of action and not afterwards.

52. Every member of an Island Council and every officer and employee maintained by or employed under an Island Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Administrator or Collector-cum-Development Commissioner may call for proceedings.

Power of entry.

Bar of action against Island Council, etc., and previous notice before institution of a suit.

Members, etc., of Island Council to be public servants.

53. No member of an Island Council and no officer or other employee having any duty to perform in connection with any sale under this Regulation shall directly or indirectly bid for, or acquire any interest in, any property sold at such sale.

Members to refrain from taking part at sales.

54. The Administrator may, by notification and subject to such restrictions and conditions as may be specified therein, authorise any officer subordinate to the Administrator to exercise in respect of Island Councils any of the powers which may be exercised by the Administrator under this Regulation except the power to make rules under section 60 and the power to frame bye-laws under section 61.

Delegation of powers.

55. Every police officer shall give immediate information to the Executive Officer of an Island Council of an offence coming to his knowledge which has been committed under this Regulation or any rules or bye-laws made thereunder and shall assist him in the exercise of his lawful authority.

Powers and duties of police in respect of offences and assistance to Island Councils.

56. Every Island Council shall classify and preserve its records in the manner prescribed.

Classification and preservation of records.

57. Every Island Council shall, on application made to it by any person interested, allow inspection of its records, and grant certified copies thereof on payment of the prescribed fee.

Inspection and copies of records.

58. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in the Union territory of Lakshadweep.

Effect of other laws.

59. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, make such provisions as may appear to him to be necessary or expedient for removing the difficulty:

Removal of difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Regulation comes into force.

60. (1) The Administrator may, by notification, make rules to carry out the provisions in this Regulation.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) the period for which a person may be in arrears of any tax, fee or other sum due to the Island Council;

(b) the preparation and publication of electoral rolls and the conduct of elections to the Island Council;

(c) the form of application disputing elections and the procedure for holding inquiry into election disputes;

(d) the notice to be given for moving a motion of no-confidence against the Chairman or Vice-Chairman;

(e) the date, place and time at which the meetings of the Island Councils may be held;

(f) the conduct of meetings of Island Councils and the procedure for moving resolutions at meetings of Island Councils;

(g) appointment, powers, duties and conditions of service of the officers and employees of an Island Council;

(h) the organisation of Island volunteer force and the fees that may be levied for watch and ward services;

(i) the custody and application of the Island Council Fund;

(j) the imposition and assessment of taxes and the realisation of taxes, fees and other dues;

(k) the form of demand notices to be issued and the manner of their service;

(l) the manner of filing appeals and hearing of such appeals;

(m) the form of accounts to be maintained by Island Councils and the annual budget estimates;

(n) the manner of audit of the accounts of the Island Councils;

(o) the manner in which the records shall be classified and preserved;

(p) the fee to be levied by Island Councils for copies of documents and the procedure to be followed in furnishing such copies;

(q) any other matter which has to be or may be prescribed.

Power
to make
bye-laws.

61. (1) Subject to the provisions of this Regulation and the rules made thereunder, the Administrator may frame bye-laws—

(a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;

(b) to prevent damage to public streets;

(c) to regulate sanitation and conservancy in the area within the jurisdiction of the Island Council;

(d) to prohibit or regulate the use of public streets or other public places by shop-keepers;

(e) to regulate the manner in which public toilets, lands for disposal of dead bodies, and bathing places shall be maintained and used;

(f) to regulate construction of buildings; and

(g) to regulate any other duties or functions of an Island Council.

(2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues.

62. Every rule and every bye-law made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or bye-law, as the case may be, or both Houses agree that the rule or bye-law, as the case may be, should not be made, the rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.

Rules
and
bye-laws
to be
laid be-
fore Par-
liament.

THE FIRST SCHEDULE

[See sections 2 (d) and 3 (1)]

MANNER IN WHICH A PERSON SHALL BE ELECTED TO THE ISLAND COUNCIL

1. For the purpose of election of members of the Island Council under section 3, the number of persons to represent the Islands specified in column (2) of the Table below shall be as specified in the corresponding entry in column (3) of the said Table.

TABLE

S. No.	Islands	No. of elected members in the Island Council
(1)	(2)	(3)
1.	Minicoy	10
2.	Androth	10
3.	Kavaratti	10
4.	Amini	10
5.	Kalpani	8
6.	Agatti	8
7.	Kadmat	8
8.	Kiltan	6
9.	Chetlat	6
10.	Bitra	3

2. Persons to represent the Islands in the Island Councils shall be elected by the persons of the Island from amongst themselves.

THE SECOND SCHEDULE

(See section 17)

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE ISLAND

COUNCIL

I, A B, having been elected a member of _____ Island Council, do swear in the name of God that I will bear true faith and
solemnly affirm

allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will duly and faithfully to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or ill-will.

THE THIRD SCHEDULE

(See section 28)

MATTERS WITHIN THE JURISDICTION OF ISLAND COUNCILS

I. Sanitation and Public Health.

- (1) Sanitation and conservancy.
- (2) Removal of rubbish and keeping the areas of the Island in clean condition.
- (3) Maternity and child welfare.
- (4) Family Planning.
- (5) Construction and maintenance of public latrines.
- (6) Regulating, checking and abating of offensive or dangerous trade or practice.

II. Public Works.

- (1) Lighting of Island.
- (2) Establishment and maintenance of public utility places.

III. Planning and Development.

Preparation and implementation of plans for, the development of agriculture, animal husbandry, fisheries, Island Industries and co-operatives and especially—

- (a) distribution of improved seeds, manure and fertilisers;
- (b) promoting the use of improved agriculture implements and making such implements easily available;
- (c) improvement and general care of livestock and promotion of poultry keeping;

(d) providing for organisation, management and development of cottage and small scale industries.

IV. Administration.

- (1) Administration of Island Council property.
- (2) Numbering of premises.
- (3) Preparation, maintenance and upkeep of Island Council records.
- (4) Registration of births and deaths.

V. Social Welfare.

- (1) Relief to the crippled and the destitute.
- (2) Preventive and relief measures in times of natural calamity.
- (3) Promotion of moral and social welfare activities and assisting voluntary organisations and agencies engaged in such activities.

R. VENKATARAMAN,
President.

C. RAMAN MENON,
Additional Secy. to the Govt. of India.

